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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,314

11/12/2003

Brian Gventer

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EXAMINER

MARTINEZ, JOSEPH P

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,314

Applicant(s)

GVENTER ET AL.

Examiner

Joseph P. Martinez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The specification is objected to because the title contains more than 7 words. Correction is required. See MPEP § 606.

(a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 15-17 and 20 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Snyder (6389268).

Re claims 1 and 15, Snyder teaches for example in fig. 2 and 4, in a radio communication station having a user display or a method of displaying display indicia that selectably displays display indicia of an initial display size, the user display positioned at a face surface of the radio communication station, an improvement of apparatus for facilitating viewing by a user of a display displayed on the user display, said apparatus or method comprising: an optical lens (56)

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selectably positionable (col. 3, ln. 58-62) above the user display (14, col. 3, ln. 54-59) of the radio communication station (12), said optical lens of a dimension at least to cover at least a portion of the user display when positioned thereabove (col. 3, ln. 54-59), said optical lens exhibiting a magnification level that magnifies the display indicia of the initial display size to be of a magnified display size when viewed by the user through said optical lens (col. 3, ln. 54-59); a mounting arm (54) engageable with both said optical lens (via 54b, col. 3, ln. 54-55) and the radio communication station (via 54a and 52, col. 3, ln. 52-53), said mounting arm for mounting said optical lens in position above the user display (col. 3, ln. 54-62).

Re claim 2, Snyder further teaches for example in fig. 2 and 4, the user display (14) is defined in terms of a surface area and wherein the dimensions of said optical lens are great enough substantially to overlay the surface area of the user display when said optical lens is positioned thereabove (wherein the office interprets the teachings of fig. 4 to include the optical lens 56 to be large enough in two dimensions to overlay the display 14).

Re claims 3 and 20, Snyder further teaches for example in fig. 2 and 4, the face surface (front of 12) of the radio communication station (12) at which the user display (14) is positioned further comprises a user actuator (16) positioned thereat and wherein the dimensions of said optical lens permits direct access by the user to the user (col. 3, ln. 29-30) and wherein said method further comprises the operations by the user of concurrently viewing the user indicia displayed on the user display through the optical lens and actuating the user actuator (col. 3, ln. 29-30, wherein the office interprets the keypad as being accessible includes the ability to press the keys of the keypad while viewing the display through the optical element).

Re claim 16, Snyder further teaches for example in fig. 4, the optical lens attached to the mounting arm during said operation of attaching is pivotally coupled to the mounting arm (col. 3, ln. 58-62, wherein the office interprets “maneuverable to any of a plurality of positions” to teach the claimed limitation).

Re claim 17, Snyder further teaches for example in fig. 4, said operation of positioning comprises rotating (wherein the office interprets the “flexible” properties of arm 54 to include rotation, col. 3, ln. 60-61) the optical lens into position to overlay the user display (col. 3, ln. 58-62, wherein the office interprets “maneuverable to any of a plurality of positions” to teach the claimed limitation).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 4, 6-11, 14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (6389268).

Re claim 4, Snyder teaches the apparatus as disclosed above.

But, Snyder fails to explicitly teach the magnification level of said optical lens causes the magnified display size to be at least double the initial display size.

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However, Snyder teaches for example, the optical element is configured to magnify the display panel of the radiotelephone (col. 3, ln. 54-56) and further suggests varying the lens, number of lenses and material of construction for the lens (col. 3, ln. 66-67 to col. 4, ln. 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the magnification level of the optical lens causing the magnified display size to be at least double the initial display size, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Re claim 6, Snyder further teaches for example in fig. 4, said mounting arm (54) further comprises a piece (frame portion (fig. 4, not labeled) of arm 54 surrounding the optical element 56) positioned at an end portion (54b) thereof, said piece for engaging said optical lens in an engagement, thereby to support said optical lens in a position thereof (col. 3, ln. 59-62).

But, Snyder fails to explicitly teach said piece is a clamping piece and engaging said optical lens in a clamping engagement.

However, the office interprets the frame portion (fig. 4, not labeled) of arm (54) surrounding the optical element (56) to clamp the edge of the optical element (56) and therefore teach the claimed limitation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Snyder to include engaging said optical lens in a clamping engagement to secure the optical element, as taught by Snyder (col. 3, ln. 54-55).

Re claims 7 and 8, Snyder further teaches for example in fig. 2 and 4, said clamping piece is pivotally coupled (col. 3, ln. 58-62, wherein the office interprets “maneuverable to any of a plurality of positions” to teach the claimed limitation) at the end portion (54b) of said mounting arm (54), said clamping piece (frame portion of 54 surrounding the optical element 56, fig. 4, not labeled) positioned at a selected radial orientation relative to said mounting arm (col. 3, ln. 58-62, wherein the office interprets “maneuverable to any of a plurality of positions” to teach the claimed limitation) and wherein said mounting arm (54) extends in an axial direction (from top to bottom of telephone 12) and wherein the selected radial orientation in which said clamping piece (frame portion of 54 surrounding the optical element 56, fig. 4, not labeled) is positioned extends in a direction substantially perpendicular (from side to side of telephone 12) to the axial direction in which said mounting arm extends.

Re claim 9, Snyder further teaches for example in fig. 4, said optical lens (56) is engaged (via frame portion of 54 surrounding the optical element 56, fig. 4, not labeled) with said mounting arm (54) and said mounting arm is engaged with the portable radio communication station (12), said optical lens is positionable to extend in a direction substantially parallel (col. 3, ln. 58-62, wherein the office interprets “maneuverable to any of a plurality of positions” to teach the claimed limitation) to a face surface of the radio communication station.

Re claims 10, 11, 18 and 19, Snyder further teaches for example in fig. 4, the portable radio communication station (12) further defines a back surface (back side of 12, not labeled), the back surface opposed to the face surface, and wherein said mounting arm (54) comprises a

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first elongated mounting arm piece (54c) and a mounting arm extension piece (52, wherein the office interprets the cradle 52 to be an extension of the arm 54), said mounting arm extension piece (52) positionable along the back surface (wherein the office interprets the cradle to extend around the sides and portions of the back surface of telephone 12) of the portable radio communication station and wherein the portable radio communication station (12) further defines a side surface (side of 12, not labeled) extending between the face surface and back surface and wherein said first elongated mounting arm piece (54c) is positionable (col. 3, ln. 58-62, wherein the office interprets “maneuverable to any of a plurality of positions” to teach the claimed limitation) to extend along the side surface of the portable radio communication station.

Re claim 14, Snyder further teaches for example in fig. 4, said mounting arm extension piece (52, wherein the office interprets the cradle 52 to be an extension of the arm 54) further comprises an affixation mating part (52, col. 3, ln. 50-51), said affixation mating part for engaging with the portable radio communication station to engage together said mounting arm with the portable radio communication station (col. 3, ln. 50-51).

2. Claims 5 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (6389268) as disclosed above in view of Ringdahl (6476984).

Re claim 5, Snyder teaches for example in fig. 2 and 4, a first elongated mounting arm piece (54) extending in an axial direction (col. 3, ln. 58-62, wherein the office interprets “maneuverable to any of a plurality of positions” to teach the claimed limitation).

But, Snyder fails to explicitly teach a telescoping piece positionable in the first elongated mounting arm and permitted selected telescoping movement in the axial direction relative to the first elongated mounting arm piece, relative positioning of the telescoping piece determinative of heightwise positioning of said optical lens.

However, within the same field of endeavor of magnifying lenses, Ringdahl teaches for example in fig. 4 and 6, a gooseneck shaft (42) is interchangeable with a telescoping extension shaft (54), as is well known in the art, and further, a telescoping piece (54) positionable in the first elongated mounting arm (54) and permitted selected telescoping movement (col. 4, ln. 9-11) in the axial direction (wherein the office interprets the use of ball-in-socket joints 72 and 74 to allow the extension shaft 54 to telescope in any axis) relative to the first elongated mounting arm piece (54), relative positioning of the telescoping piece determinative of heightwise positioning of said optical lens (col. 4, ln. 9-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Snyder with the telescoping movement of Ringdahl in order to provide greater adjustability and provide the best view possible, as taught by Ringdahl (col. 2, ln. 3-6).

Re claim 12, Snyder teaches for example in fig. 2 and 4, a mounting arm (54).

But, Snyder fails to explicitly teach said mounting arm further comprising a hinge piece, said hinge piece connected, at a first side thereof, to said first elongated mounting arm piece and, at a second side thereof, to said mounting arm extension.

However, within the same field of endeavor of magnifying lenses, Ringdahl teaches for example in fig. 2, a gooseneck shaft (42) is interchangeable with an extension shaft (54), as is well known in the art, and further, said mounting arm (28) further comprising a hinge piece (26 and 30), said hinge piece connected, at a first side thereof, to said first elongated mounting arm piece (28) and, at a second side thereof, to said mounting arm extension (24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Snyder with the teachings of Ringdahl in order to provide greater adjustability and provide the best view possible, as taught by Ringdahl (col. 2, ln. 3-6).

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art taken alone or in combination fails to anticipate or fairly suggest the limitations of the claims, in such a manner that a rejection under 35 USC 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in dependent claim 13.

Specifically regarding claim 13, Snyder teaches the art of a display panel magnifier.

But, Snyder fails to explicitly teach said first elongated mounting arm piece further comprises a hooking latch latchingly engageable with the portable radio communication station to engage said mounting arm together with the portable radio communication station, as claimed.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
11-10-04


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